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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,823	02/27/2002	David Hanson	10018734-1	6189

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EXAMINER	
DANIELS, ANTHONY J	

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/083,823	HANSON, DAVID	
	Examiner	Art Unit	
	Anthony J. Daniels	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4-7,9-11,13,14 and 16-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *21-34* is/are allowed.

6)☒ Claim(s) *2,4-6,9,10,13,14 and 17-20* is/are rejected.

7)☒ Claim(s) *7,11 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment, filed 5/13/2005, has been entered and made of record. Claims 2,4-7,9-11,13,14 and 16-34 are pending in the application.

Response to Arguments

2. Applicant's arguments, filed 5/13/2005, have been fully considered but they are not persuasive. Examiner's arguments are set in forth in the rejections of the claims that follow.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Movable Status Display within an LCD of an Image Capturing Device".

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2,4-6,9,10,13,14,17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa et al. (US 20020171747) in view of Hirasawa (US # 5,579,048).

Claims 6,10,14 will be discussed first.

As to claim **6**, Niikawa et al. teaches an image capturing device (Figure 3, image capturing apparatus "1"), comprising: a main body (Figure 3, camera body "2"); a camera-back display (Figure 3, LCD "10") located on a back region of said main body ([0035]) and adapted to display a captured image in a display area ([0035]); and a status display provided within said display area of said camera-back display (Figure 8, additional information display "10g"; [0080]) and adapted to display status information of said image capturing device (Figure 8, camera status setting display "10j"; [0080]); and a status display control device located on said back region that controls a position of said status display within said camera-back display. The claim differs from Niikawa et al. in that it further requires that said status display control device controls horizontal and/or vertical movements of said status display within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). ***In regard to applicant's arguments (Remarks p. 8-10, IV. Claim Rejection(s) Under 35 U.S.C. 103), the examiner respectfully disagrees. It is respectfully submitted that the examiner has not relied upon the teachings of Hirasawa to meet limitations of moving a status display within a camera-back display. These limitations have been met by Niikawa et al. Examiner relies upon Hirasawa to show the movement of text in a display. In the previous Office Action, examiner wrote: "Hirasawa teaches the use of a switching control device to move a menu within a camera-back display." Although examiner has set this language forth, these limitations were not intended to be met by Hirasawa; this intention can be seen in the subsequent language of the 103(a) rejection; particularly, "... In light of the teaching of Hirasawa, it would have been obvious ... to modify the system of Niikawa et al. to***

include the ability to move <u>the status display within the LCD</u>...". The language has been changed above simply to clarify the rejection. In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Niikawa et al. to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.

As to claim **10**, Niikawa et al. teaches an image capturing device (Figure 3, image capturing apparatus "1"), comprising: a camera-back display (Figure 3, LCD "10"); a status display control device (Figure 3, crossed switch (U, L, R, D) "35", LCD "31", OK "32", cancel "33", menu "34") capable of accepting user inputs (Figure 9, "ST12", "ST17") and controlling a status display within said camera-back display (Col. 4, "Table 1"; Figure 9; *{The LCD button being pressed controls the LCD&EVF_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}*); a memory (Figure 4, ROM, RAM of overall controller "211", VRAM "210", "VRAM "220") including a status information storage area comprising one or more status information items of said image capturing device (*It is inherent in the system of Niikawa et al. that the status information be stored in some area of the memory.*), and a picture-in-picture routine capable of generating said status display (Figure 4, ROM of system controller "211"; [0066], Lines 5-11; *{If the ROM in overall controller produces the image data and information associated with it that is stored in the memory card, it is inherent in the system of Niikawa et al. that it would do the same before it displays that additional information on the LCD.}*); and a processor (Figure 4, overall controller "211") communicating with said camera-back display (Figure 4, connection between VRAM buffer "210" and LCD

"10"), said status display control device (Figure 4, connection with manual controller "250"; [0057]), and said memory (Figure 4, connection with VRAMs "210" and "220" and ROM and RAM), and wherein said processor receives said user inputs (Figure 3, crossed switch (U, L, R, D) "35", LCD "31", OK "32", cancel "33", menu "34"; [0057]) and generates said status display ([0066], Lines 5-11; *{If the overall controller produces the image data and information associated with it that is stored in the memory card, it is inherent in the system of Niikawa et al. that it would do the same before it displays that additional information on the LCD.}*). The claim differs from Niikawa et al. in that it further requires that said status display control device controls horizontal and/or vertical movements of said status display within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). ***Please refer to the arguments for the rejection of claim 6.*** In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Niikawa et al. to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.

As to claim **14**, Niikawa et al. teaches a status information display method for an image capturing device (Figure 8), comprising the steps of: providing a camera-back display (Figure 3, LCD "10") located on a back region of a main body of said image capturing device ([0035]); providing a movable status display within said camera-back display (Figure 8, Figures 12 &

16A/B; *{From the figures, it can be seen that status display can be moved between sizes.}*); and providing a status display control device (Figure 3, crossed switch (U, L, R, D) "35", LCD "31", OK "32", cancel "33", menu "34") that controls a position of said status display within said camera-back display (Col. 4, "Table 1"; Figure 9; *{The LCD button being pressed controls the LCD&EVF_Status which in turn controls whether or not the camera status display is displayed on the camera-back display. Examiner interprets position as being displayed in Figures 12 and 16A, not displayed in Figure 16B, or displayed as a picture-in-picture in format as seen in Figure 8.}*); wherein said status display displays one or more status information items relating to operational parameters of said device (Figure 12). The claim differs from Niikawa et al. in that it further requires that said status display control device accepts horizontal and/or vertical movement inputs and correspondingly moves said status display within said camera-back display.

In the same field of endeavor, Hirasawa teaches the use of switching control device to move a menu within a viewfinder display in a horizontal and vertical position (Figure 21; Col. 15, Lines 61-67, Col. 16, Lines 1-7). ***Please refer to the arguments for the rejection of claim 6.*** In light of the teaching of Hirasawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Niikawa et al. to include the ability to move the status display within the LCD, because an artisan of ordinary skill in the art would recognize that this would allow the user to move the camera status display if it were to interfere with the image being displayed.

As to claim **2**, Niikawa et al., as modified by Hirasawa, teaches the image capturing device of claim 6, wherein said status display comprises a picture-in-picture display within said

camera-back display (see Niikawa et al., Figure 8; *{Applicant defines on p.4, [0013] of specification that a picture-in-picture display is when the status display covers only a portion of the camera-back display.}*).

As to claim **4**, Niikawa et al., as modified by Hirasawa, teaches the image capturing device of claim 6, further comprising a status display control device located on said back region (Figure 3, crossed switch (U, L, R, D) "35", LCD "31", OK "32", cancel "33", menu "34"; [0037]) that controls a size of said status display within said camera-back display (see Niikawa et al., Col. 4, "Table 1"; Figure 9; *{The LCD button being pressed controls the LCD&EVF_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.} Size of the camera status display is changed as shown in figures 8 and 16A/B*).

As to claim **5**, Niikawa et al., as modified by Hirasawa teaches the image capturing device of claim 6, further comprising a status display control device located on said back region that enables and disables said status display (see Niikawa et al., Col. 4, "Table 1"; Figure 9; *{The LCD button being pressed controls the LCD&EVF_Status which in turn controls whether or not the camera status display is displayed on the camera-back display.}*).

As to claim **9**, Niikawa et al., as modified by Hirasawa, teaches the image capturing device of claim 10, wherein said memory further includes a user-settable display enable variable that enables and disables said status display (see Niikawa et al., Col. 4, Table 1, LCD&EVF_Status; Figure 9).

As to claim **13**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays said one or more status information items within said camera-back display in a picture-in-picture format (see Niikawa et al., Figure 8; *{Applicant*

defines on p.4, [0013] of specification that a picture-in-picture display is when the status display covers only a portion of the camera-back display.}).

As to claim **17**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays a flash mode status information (see Niikawa et al., Figure 12, Flash: AUTO).

As to claim **18**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays a battery status information (see Niikawa et al., Figure 12, Battery Capacity: 5/10).

As to claim **19**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays an image resolution status information (see Niikawa et al., Figure 12, Resolution: 1600x1200).

As to claim **20**, Niikawa et al., as modified by Hirasawa, teaches the method of claim 14, wherein said status display displays a number of captured images (see Niikawa et al., Figure 8; *{Number of images remaining displays indirectly how many were taken.}*).

Allowable Subject Matter

5. Claims 21-34 are allowed. The reasons for allowance can be found in the previous Office Action.

6. Claims 7,11,16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim

and any intervening claims. The reasons for allowance can be found in the previous Office Action.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Daniels whose telephone number is (571) 272-7362. The examiner can normally be reached on 8:00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD
7/18/2005

NGOC-YEN VU
PRIMARY EXAMINER